

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

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In Re:) Case No. 19-30088
PG&E CORPORATION AND PACIFIC) Chapter 11
GAS AND ELECTRIC COMPANY)
Reorganized Debtors.) San Francisco, California
) Tuesday, January 10, 2023
) 10:00 AM
)
OMNIBUS OBJECTION TO CLAIMS
(ONE HUNDRED EIGHTEENTH)
(CHARMBURY CLAIMS) FILED BY
PG&E CORPORATION [13117]

STATUS CONFERENCE REGARDING
REORGANIZED DEBTORS' MOTION
FOR SUMMARY JUDGMENT ON PROOF
OF CLAIM NO. 108715 FILED BY
DAVID P. ADDINGTON [13320]

FIRE VICTIM TRUSTEE'S
OBJECTION TO CONSOLIDATED
MOTION TO ALLOW/DEEM TIMELY
LATE FILING OF CLAIMANTS
FILED BY CATHY YANNI [13385]
(RELATED TO MOTION 13327)

CONSOLIDATED MOTION TO
ALLOW/DEEM TIMELY LATE
FILLING OF CLAIMANTS FILED BY
CONSOLIDATED MOTION CLAIMANTS
[13327]

FIRE VICTIM TRUSTEE'S
OBJECTION TO MOTION TO
ALLOW/DEEM TIMELY LATE FILING
OF PROOF OF CLAIM BY FERN
ELIZABETH FISHER [13380]
(RELATED TO MOTION 13324)

MOTION TO ALLOW/DEEM TIMELY
LATE FILING OF PROOFS OF
CLAIM BY FERN ELIZABETH
FISHER FILED BY SLF FIRE
VICTIM CLAIMANTS [13324]

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FIRE VICTIM TRUSTEE'S
OBJECTION TO LETTER REQUEST
OF PATRICK CORY SMITHSON TO
DEEM LATE PROOF OF CLAIM
TIMELY FOR THE PURPOSE OF
ADMINISTRATION BY THE FIRE
VICTIM TRUST. FILED BY CATHY
YANNI [13353] (RELATED TO
MOTION 13317)

MOTION TO FILE CLAIM AFTER
CLAIMS BAR DATE. FILED BY
PATRICK SMITHSON [13317]

FIRE VICTIM TRUSTEE'S
OBJECTION TO LETTER REQUEST
OF MEJIA HOUSEHOLD TO DEEM
LATE PROOF OF CLAIM TIMELY
FOR THE PURPOSE OF
ADMINISTRATION BY THE FIRE
VICTIM TRUST FILED BY CATHY
YANNI [13351] (RELATED TO
MOTION 13305)

MOTION TO FILE CLAIM AFTER
CLAIMS BAR DATE. FILED BY
ONESIMO GONZALEZ, MABEL PAZ,
VICTORIA MEJIA, RICARDO MEJIA
SR., REICARDO MEJIA JR.
[13305]

FIRE VICTIM TRUSTEE'S
OBJECTION TO LETTER REQUEST
OF DANIEL AND JULIANNE ERDMAN
TO DEEM LATE PROOF OF CLAIM
TIMELY FOR THE PURPOSE OF
ADMINISTRATION BY THE FIRE
VICTIM TRUST [13388] (RELATED
TO MOTION 13341)

MOTION TO FILE CLAIM AFTER
CLAIMS BAR DATE. FILED BY
DANIEL AND JULIANNE ERDMAN
[13341]

FIRE VICTIM TRUSTEE'S
OBJECTION TO LETTER REQUEST
OF FREWOINI GARCIA TO DEEM

LATE PROOF OF CLAIM TIMELY
FOR THE PURPOSE OF
ADMINISTRATION BY THE FIRE
VICTIM TRUST FILED BY CATHY
YANNI [13336] (RELATED TO
MOTION 13291)

MOTION TO FILE CLAIM AFTER
CLAIMS BAR DATE FILED BY
RUBYANA GARCIA [13291]

FIRE VICTIM TRUSTEES
OBJECTION TO CONSOLIDATED
MOTION TO ALLOW/DEEM TIMELY
LATE FILING OF CLAIMANTS.
FILED BY CATHY YANNI [13372]
(RELATED TO MOTION 13318)

MOTION TO ALLOW CLAIMS /DEEM
TIMELY CLAIM. FILED BY
CONSOLIDATED MOTION CLAIMANTS
[13318]

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE DENNIS MONTALI
UNITED STATES BANKRUPTCY JUDGE

APPEARANCES (All present by video or telephone):

For the Reorganized Debtors: THOMAS B. RUPP, ESQ.
Keller Benvenutti & Kim LLP
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For Fire Victim Trust: SUSAN SIEGER-GRIMM, ESQ.
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Seven Times Square
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For Claimants of Law
Offices of Michael S.
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1 For Fern Elizabeth Fisher: LAILA MASUD, ESQ.
2 Marshack Hays LLP
3 780 Roosevelt
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4 For Fire Claimants: JACOB M. FAIRCLOTH, ESQ.
5 Blueston Faircloth & Olson, LLP
6 1825 Fourth Street
Santa Rosa, CA 95404
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7 Also Present: David P. Addington
8 Individual Claimant
9 Patrick Smithson
Individual Claimant
10 Ricardo Mejia
11 Individual Claimant
12 Daniel Erdman
Individual Claimant
13 Frewoini Garcia
14 Individual Claimant
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18 Court Recorder: LORENA PARADA/ANKEY THOMAS
19 United States Bankruptcy Court
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PG&E Corp. & Pacific Gas And Electric Co.

1 SAN FRANCISCO, CALIFORNIA, TUESDAY, JANUARY 10, 2023, 10:00 AM

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3 (Call to order of the Court.)

4 THE CLERK: Court is now in session. The Honorable
5 Dennis Montali presiding. Calling the matter of PG&E
6 Corporation. I'll bring in Mr. Addington and Mr. Rupp in now.

7 THE COURT: All right. Good morning. Mr. Rupp, make
8 your appearance, please.

9 MR. RUPP: Good morning, Your Honor. Thomas Rupp of
10 Keller Benvenuti Kim on behalf of the reorganized debtors.

11 THE COURT: Mr. Addington, you need to turn on a
12 camera or at least a microphone.

13 MR. ADDINGTON: And I'm happy to turn on a camera too.
14 Let me see if I can do that.

15 THE COURT: All right. Good morning.

16 MR. ADDINGTON: Good morning. How are you, sir?

17 THE COURT: Just state your name for the record, Mr.
18 Addington.

19 MR. ADDINGTON: David Preston Addington.

20 THE COURT: Okay. I've read the papers. What is it
21 that you're concerned about, Mr. Addington, about amending
22 again? I mean, you've got an awful lot of times to amend. But
23 what's your concern about the stipulation?

24 MR. ADDINGTON: My only concern there, sir, is when
25 I -- I do intend to file an amendment. And if the Court finds

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1 that I have missed some minor element of it and want me to add
2 that element, that would be, I would assume, an additional
3 amendment, and I'd like to have the right to do that.

4 THE COURT: Well, I mean, I don't independently do
5 these things. If you file an amendment and the other side
6 either agrees or opposes, if they agree, that's done. It's
7 amended.

8 MR. ADDINGTON: Sure.

9 THE COURT: If they oppose, then I make a decision on
10 whether you're allowed that amendment or not.

11 MR. ADDINGTON: Yes, sir. But if I go ahead -- if I
12 sign an agreement that I will not make another amendment, then
13 that point would be moot.

14 THE COURT: No, of course. I understand. Bu what if
15 you amend and there's no objection and then the summary
16 judgment is granted? You know, then it's over. Then the
17 party's over. You understand that, don't you?

18 MR. ADDINGTON: Yes, sir. Yes, sir, I do.

19 THE COURT: Okay. I mean, if it's --

20 MR. ADDINGTON: And I understand if I chose to file
21 some amendment that had no application, the Court would dismiss
22 it, as they rightly should. I understand that, sir.

23 THE COURT: Well, having said what if I granted the
24 summary judgment, if I denied the summary judgment, I could
25 revisit the question of whether there should be an amendment or

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1 not. That's for another day.

2 MR. ADDINGTON: Yes.

3 THE COURT: Mr. Rupp, I don't -- I understand that the
4 company probably wants to put some finality to this and Mr.
5 Addington has had several bites at the apple. But if he -- he
6 doesn't seem to want a free ride for a second amendment if he
7 chooses. If you file an opposition or I have a problem with it
8 and I give him leave to amend -- it seems to me if I give him
9 leave to amend again, then you might not like that. But it
10 seems like it's not unusual.

11 MR. RUPP: Yes, Your Honor. I mean, just to be clear
12 about what we're talking about here, at the last status
13 conference and since then, Mr. Addington has expressed his
14 intention to amend his claim. And --

15 THE COURT: Right.

16 MR. RUPP: Well, we may oppose that; we may not. But
17 we may oppose that. We tried to work out a schedule and a
18 structure to set aside our motion for summary judgment while we
19 addressed the amendment of his claim, his third claim. And
20 where we got hung up on was, you know, in our draft
21 stipulation, we wanted some assurance that this would be the
22 last amendment. He's had another chance. He'll seek to amend
23 his claim. Whether that amendment is allowed or not, we'll
24 proceed from there. But we just wanted some more finality than
25 that rather than risk leaving open the door to a fourth or

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1 fifth claim down the road.

2 THE COURT: I fully understand your desire for
3 finality. I have to -- I have to play a role here, too,
4 though. And if there is a challenge to the amendment and Mr.
5 Addington has a proposed amendment that I approve of or I even
6 over your objection it seems to me I have to reserve that
7 objection, I'd give him a heads-up. Mr. Addington has been in
8 this case for a long time. He's with counsel, without counsel,
9 with counsel, without counsel.

10 If I stick with your stipulation and just leave it no
11 further amendment without court order, then it seems to me
12 you're protected. I'm not going to let him amend every month
13 for the next six -- year and a half. And if your summary
14 judgment is well-taken, it's over. You can't amend after that.

15 So it seems to me that the simple solution is to stick
16 with your stipulation of a February 1 amendment date and the
17 other times in there and just leave the fact that there's no
18 free ride, no -- Mr. Addington doesn't have a free ride for
19 further amendments, but he can seek permission from the Court
20 to amend. And again, Mr. Rupp, you know that I'll listen to
21 any opposition to any such request.

22 MR. RUPP: Thank you, Your Honor. That's --

23 THE COURT: That's not -- listen. That's not what
24 you'd like, but it's not unfair. I want to put this thing
25 behind all of you. I'm sorry that that we're at this point.

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1 But Mr. Addington should have gotten the message he can't just
2 file amendment after amendment. He's got to take his best shot
3 on this February 1 deadline. And then he'll either win or
4 lose it on the summary judgment motion. And if he wins the
5 summary judgment motion, I'm not sure where we go next, but I'm
6 not going to decide that. There's no summary judge motion to
7 act on at the moment.

8 MR. RUPP: Thank you, Your Honor.

9 THE COURT: Okay. So Mr. Rupp, if you just put -- I
10 mean, essentially the only thing that is in the proposed
11 schedule that you both submitted is that just keeping open
12 notes further amendments without leave of Court or consent of
13 PG&E. So why don't you just make sure the order reflects that?
14 And I will look forward to -- I'll assume that I'll be hearing
15 this on February 22nd on Mr. Addington's amended motion -- I
16 mean, his amended claim and -- excuse me, I should rephrase
17 that. If you consent to the amendment, then we go straight to
18 the schedule for the summary judgment. Right? Isn't that
19 right, Mr. Rupp?

20 MR. RUPP: Well, no, Your Honor.

21 THE COURT: If he --

22 MR. RUPP: If there's an amended claim, we need to
23 look at what that amended claim is.

24 THE COURT: Yes, yes, no. I misspoke.

25 MR. RUPP: If it's very different, then maybe our

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1 motion for summary judgment would not apply or would need to be
2 amended to fit the new claim.

3 THE COURT: I may have misspoke. If Mr. Addington
4 files an amended -- excuse me, a motion to amend by February 1
5 1 and PG&E does not oppose that motion, then you two gentlemen
6 go straight to paragraph 4 of your stipulation to meet and
7 confer and agree on a schedule for the summary judgment. If he
8 files on a motion to amend and you oppose it, then that'll be
9 argued on February 22nd. Right?

10 MR. RUPP: Yes.

11 THE COURT: Okay. Mr. Addington, you're clear on
12 that, right?

13 MR. ADDINGTON: Yes, sir, I am.

14 THE COURT: Okay. So Mr. Rupp, just make sure the
15 form of order is completely consistent. I think the three of
16 us are in agreement, but let's make sure that the written
17 record reflects that as well.

18 MR. RUPP: Thank you, Your Honor. I'll prepare --

19 THE COURT: Okay. Good luck, gentlemen.

20 MR. RUPP: -- a written order, and I'll share it with
21 Mr. Addington.

22 MR. ADDINGTON: Thank you.

23 THE COURT: I guess there's no hope of trying to
24 mediate this again, right, at this point?

25 MR. RUPP: Not at this time, Your Honor.

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1 THE COURT: Okay. All right. I will see you either
2 on February 22nd or sometime after that.

3 MR. ADDINGTON: Thank you, sir.

4 THE COURT: Thank you very much.

5 MR. RUPP: Thank you, Your Honor.

6 THE COURT: All right. Ms. Parada, for the motions,
7 do we got any late claims? Do we have some of the pro se
8 parties who want to be heard?

9 THE CLERK: I believe so, Your Honor. I'll bring in
10 Ms. Sieger-Grimm in now.

11 THE COURT: Okay.

12 MS. SIEGER-GRIMM: Good morning, Your Honor.

13 THE COURT: Good morning. Let's get your appearance
14 there, please, Ms. --

15 MS. SIEGER-GRIMM: Yes. this is Susan Sieger-Grimm of
16 Brown Rudnick for the trustee of the fire victim trust.

17 THE COURT: Okay. Mr. Parada, let's bring in all the
18 counsel who want to be heard. They can turn their cameras off
19 if they don't want to be on the screen. I see there's a
20 Ricardo Mejia, his hand up.

21 THE CLERK: I'll bring him in now.

22 THE COURT: Oh, he's one of our pro se parties.
23 That's right. And have you heard from the others did you say
24 or not?

25 THE CLERK: No, I have not, Your Honor. I see some

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1 other hands raised. Would you like me to bring them over?

2 THE COURT: Well, I -- yes, I see Mr. Erdman and Mr.
3 Smithson. They should have been in touch with you if they
4 wanted to be heard. But -- and then Mr. Jamond and Ms. Masud.
5 They are counsel.

6 THE CLERK: I'll bring in the parties.

7 THE COURT: And then there's a Mr. Garcia. Well, it
8 appears that the pro se parties who were raising their hand
9 didn't alert you ahead of time. Let me bring them in anyway,
10 please.

11 Okay. We'll start with the counsel. For the
12 nonlawyers, the pro se parties, just wait for a moment for the
13 lawyers who are being brought in. When you're on the screen,
14 just state your appearance for the record. And then I'll call
15 upon the other parties.

16 Okay. Mr. Masud, you can stage your appearance,
17 please.

18 MS. MASUD: Good morning, Your Honor. Laila Masud of
19 Marshack Hays on behalf of Elizabeth Fern Fisher.

20 THE COURT: And Mr. Faircloth?

21 MR. FAIRCLOTH: Good morning, Your Honor. Jacob
22 Faircloth appearing for claimants in relation to docket Number
23 13318.

24 THE COURT: And Mr. Ms. Parada, you bringing Mr.
25 Jamond in?

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1 THE CLERK: Yes, Your Honor.

2 THE COURT: Okay. Well, while we're waiting, I'll say
3 to Mr. Smithson and Mr. Mejia and Mr. Erdman -- you don't have
4 a mic or a camera activated, Mr. Erdman. But all of you, as
5 parties representing yourselves, were told to contact my
6 courtroom deputy if you wanted to be heard. Apparently, you
7 didn't all do that. But let's move on.

8 Mr. Mejia, do you wish to be heard this morning?

9 MR. MEJIA: Good morning, Your Honor. Yes, I do.

10 THE COURT: Okay. You'll have five minutes when we
11 when we come to you.

12 Mr. Erdman, you'll have to -- if you want to be heard,
13 you need to turn your microphone on.

14 MR. ERDMAN: Good morning, Your Honor.

15 THE COURT: Do you want to be heard this morning also?

16 MR. ERDMAN: Yes, sir.

17 THE COURT: All right. Mr. Garcia, is that your case
18 as well?

19 MS. GARCIA: Yes, please.

20 THE COURT: Oh, I'm sorry. Ms. Garcia. Pardon me.

21 And Mr. Smithson, did you come yet or not? Oh, there
22 you are. Do you want -- yeah, your microphone is muted.

23 MR. SMITHSON: Thank you. Yes, I would like to be
24 heard today, Your Honor.

25 THE COURT: Okay. Again, for all for me, it would

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1 have been helpful if you'd let us know ahead of time.

2 I'm going to proceed with the counsel first, and then
3 I'll hear from the pro se parties. So for Mr. Faircloth, Mr.
4 Jamond, and Ms. Masud, my scheduling order indicates you each
5 have ten minutes. The other four individual pro se parties
6 have five minutes. And then after that, I'll hear from counsel
7 for the fire victim trust.

8 Let me tell you that I've read the papers. As you
9 know, I've issued at least two orders in this case already that
10 are relevant.

11 I will tell you also that I'm going to listen
12 carefully to your arguments this morning, but I am not going to
13 make a ruling on the hearing, during the hearing today. We
14 have on schedule in a couple of weeks some more similar
15 motions. And I'm going to wait until I hear them and then I'll
16 make a ruling on today's motions and those motions together.

17 So with that, I will proceed. And I'll just go in
18 alphabetical order, which starts with you, Mr. Faircloth, and
19 then Mr. Jamond, and then Ms. Masud. So you have ten minutes,
20 Mr. Faircloth.

21 MR. FAIRCLOTH: Thank you, Your Honor. Hopefully I
22 won't go the entire ten minutes.

23 We've read the Court's order from January 3. We'd
24 like to thank the Court for the opportunity to differentiate
25 the present motion with -- in comparison to the other like

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1 motions that were recently denied. We'd also like to take the
2 opportunity to point out a couple of issues that we believe
3 exist with the trust's objection, which are more thoroughly set
4 forth in the reply brief, which the Court has read.

5 I think there's no doubt that the Court has broad,
6 equitable powers with respect to the motion. We do believe
7 there are some reasons which this motion should be granted,
8 despite those prior motions which are similar to ours having
9 been recently denied. In the Court's order denying those like
10 motions, the Court did find that good faith had existed. But
11 they were denied largely due to, first, unreasonable delay and
12 second, prejudice to the trust.

13 With respect to the issue of reasonableness of delay,
14 the Court stated that the following was absent, which is the,
15 quote, lack of notice regarding the claims bar date or of the
16 claims process at large, all of which plays into a
17 reasonableness of delay.

18 On that issue, Your Honor, such details were discussed
19 and unrebutted in our motion and the declaration in support of
20 the motion. For example, paragraph 9 of Mr. Bowen's (ph.)
21 declaration states, here in particular, none of the claimants
22 had knowledge of their entitlement to file a claim within the
23 extended bar date, nor were they aware of the existence of the
24 FVT or that their particular damages from the 2017 North Bay
25 fires were even actionable. Outside of word of mouth from the

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1 other fire victim claimants, no such notice or alert was
2 provided, and many such parties had no good way of knowing that
3 their -- about their claims or of the claims process.

4 Additionally, the evidence in support of the present
5 motion more substantially addresses the substantive issues on
6 reasonableness of delay and under the circumstances we believe
7 shows that the delay was reasonable. This is more
8 substantively stated than our prior motions and the motions
9 which were denied.

10 And if I could draw the Court's attention to again,
11 Mr. Bowen's declaration. In particular paragraphs 5 through 9
12 go into these issues in some detail. These statements were not
13 rebutted by the trust in their objection and are more
14 comprehensive and substantive than again what we previously
15 submitted on other motions.

16 As another example, one of the things we get into and
17 try to detail is to add some context, which is that all of
18 these families have suffered from numerous other wildfires.
19 It's not just the case where they were in a car -- someone was
20 in a car accident once. And you know from a car accident you
21 suffered some damages. The only question is liability. These
22 people have suffered from numerous fires, many of which were
23 natural. And while they suffer damages, those damages,
24 particularly noneconomic ones, were not actionable. So --

25 THE COURT: Where do I find evidentiary support for

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1 the broad statement that all of the claimants suffered from the
2 numerous fires? That's an awful broad statement.

3 MR. FAIRCLOTH: Well, it's in Mr. Bowen's declaration.
4 And we've looked at where the claimants resided and have
5 resided and where evacuation orders have been issued . And all
6 of us, Mr. Bowen and myself, have also been subject to these
7 evacuation orders and experienced the same thing.

8 THE COURT: Okay.

9 MR. FAIRCLOTH: And again, it's something that's
10 un rebutted. Surely no one is questioning that numerous
11 wildfire evacuations, which are all the matter of public
12 knowledge in the area -- the point being, Your Honor, is we
13 think the larger context which discusses those things and other
14 things presents sufficient evidence of why many people would
15 not know that their claims were actionable despite things like
16 third-party ads, which, again, there's no evidence presented on
17 that issue. But the Court has taken note of the existence of
18 those ads.

19 And the second thing, other than reasonableness of
20 delay is diminution and prejudice. With respect to those
21 matters, our reply brief raises issues with the trust's failure
22 to comply with Rule 9013 whereby the trust did not present any
23 evidence on the issues of dilution and/or prejudice, nor did
24 the trust present any evidence largely rebutting anything as to
25 the other factors that we've discussed in our papers?. This

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1 argument was apparently not raised in the prior like motions.
2 But it's nevertheless particularly important.

3 On the issue of diminution and prejudice, we believe
4 we have presented persuasive argument and evidence that it is
5 in fact de minimis as opposed to largely eroding or something
6 greater than that. This is unlike the trust which has
7 presented no evidence on this topic. Here the necessary
8 inquiry, we believe, is to analyze the actual percent decrease
9 of future pro-rata distributions were the current claimants
10 subject to our motions to be admitted. I think were the trust
11 who have engaged in these calculations, which it could provide
12 and do based on various hypotheticals and analyses, possibly
13 even an expert, it would almost certainly reflect the decrease
14 in future pro-rata distributions were these claimants to be
15 admitted would likely not decrease more than one to two percent
16 at most.

17 And with respect to the trust's kind of stated
18 position in its papers, it has largely stated throughout these
19 objections that committing additional late claims might prevent
20 the trust from making further pro-rata distributions
21 whatsoever. There's no evidence of that. That's simply not
22 the case, nor has -- it just seemed like that -- I would love
23 to see the numbers would reflect that that is the case. We
24 understand the argument of there's some delay and
25 administrative costs. But even where those to be included and

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1 analyzed with respect to prejudice, we believe it would
2 nevertheless reflect that it's de minimis.

3 And then I have only two more points. Hopefully, I'm
4 not getting close to my time, Your Honor.

5 THE COURT: You'll have three or four more minutes.
6 Sure.

7 MR. FAIRCLOTH: The third thing is the trust has
8 recently provided the number of timely noneconomic claims which
9 were filed and did not have a property damage component. This
10 was due to the Court inquiring on that subject at a prior
11 hearing December 10, I believe. And it was done in an effort
12 to show that these types of tardy claims, which are
13 noneconomic, could have been timely submitted.

14 I think though that the number given, it was somewhere
15 around 1,700 of 82,000 timely claimants excluding children I
16 believe, that that number in the larger context gives credence
17 to our evidence and arguments raised in our motion. The number
18 of such claimants is somewhere around 2.1 percent of the total
19 number of timely claimants.

20 It also makes sense that those claims without property
21 damage would be latent and delayed, given that emotional
22 distress is something that is often dormant, particularly in
23 children. And I believe we got into some of that in Mr.
24 Bowen's declaration. It too was an unrebutted factual
25 statement.

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1 Finally, the last point, Your Honor, I would just like
2 to -- it has to do with this 930 deadline in the liberal
3 nonopposition policy. The trust filings earlier stated it
4 would abandon its liberal nonopposition policy, but it would do
5 so in favor of a stricter review for those post-September
6 motions. I think what has happened though is that instead of a
7 more strict review, what the trust has done is just take
8 blanket opposition to all such motions. I don't really think
9 that's within the spirit of what it was submitted, nor do I
10 think -- and one example of that is the trust had even objected
11 to pro se motions which were timely submitted but were docketed
12 in early October. It was apparent to me, Your Honor, that
13 those pro se claims had been received by the clerk in time and
14 the trust nevertheless took this -- it altered its policy from
15 to more strictly review things to just a blanket opposition
16 policy. I think that's led to confusion and now in numerous
17 vested proceedings.

18 THE COURT: So your point is that -- someone else is
19 talking. Someone else, just mute your mics, please.

20 So Mr. Faircloth, if I understand you correctly,
21 you're saying that the blanket policy is inconsistent with this
22 notion of looking at it more carefully, more specifically on a
23 case-by-case basis. Is that the point?

24 MR. FAIRCLOTH: Yes, Your Honor.

25 THE COURT: Okay. All right. Thank you very much,

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1 Mr. Faircloth. Appreciate it.

2 MR. FAIRCLOTH: Thank you, Your Honor. I appreciate
3 the opportunity to speak.

4 THE COURT: Mr. Jamond, your turn.

5 MR. JAMOND: Well, thank you, Your Honor. Can you
6 hear me?

7 THE COURT: Yes, I can.

8 MR. JAMOND: I have -- I read your previous order in
9 this matter. And I would like to suggest something to you for
10 you to consider. But first, I'd like to tell you a story. If
11 I take my take a few minutes to do this, but I --

12 THE COURT: You've got ten minutes.

13 MR. JAMOND: I got ten minutes. I'm watching my
14 clock.

15 I live in Santa Rosa. In 2017, on the second or third
16 night of the fire, my wife and I were woken up by the police
17 with loudspeakers, emergency vehicles. They told us we were in
18 imminent danger, we had to leave our house. This was about
19 3:30 in the morning. Both of us had planned for this
20 contingency. We had put clothing and other items in our
21 vehicles. We got dressed. We left with our go-bags. Both of
22 us took our vehicles. Of course, everybody else was doing this
23 at the same time. And we -- it took about an hour to go two
24 miles. It was that much traffic there.

25 But I left the house. I went to my downtown central

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1 office in Santa Rosa, which is a converted house. It's an
2 old -- maybe you can see it in the background. It's an old
3 1920s house. It's converted. It has a kitchen, a full
4 kitchen, a full bath with a shower.

5 My wife and I stayed here in my office for three days.
6 We were prohibited from going back to our house. We slept on
7 the floor of the conference room. It has a big rug. We slept
8 there. Went back to the house. The house was not damaged.
9 There was no damage to the house. But the power had been off,
10 and all of the food in the refrigerator was spoiled. And also
11 the house was filled with smoke.

12 So I contacted my insurance company, Farmers
13 Insurance, and they said, well, two things. Number 1, we had a
14 500-dollar deductible on the food in the refrigerator. They
15 would not pay that. The smoke damage, only if the damage
16 persisted for another thirty days would they pay something on
17 that. As it turned out, the smoke eventually dissipated after
18 about two weeks. So as a result, we really had no claim with
19 our insurance company.

20 PG&E filed bankruptcy. I filed a claim personally
21 with the Court. How to evaluate that claim? I put down, I
22 came up with this number, 5,000 dollars for myself and my wife
23 for having to go through this. That's what I came up with.
24 Plan was confirmed. I get a notice from the claims
25 administrator that I now have to submit a detailed

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1 questionnaire, which I did, took a long time to fill out, and I
2 submitted it to him online. And then about a year later, I
3 heard nothing from them.

4 About a year later, I contacted them and said what's
5 the status of my claim and then was informed that your claim
6 was incomplete because you hadn't filled out a W-9 request for
7 social security number validation. I did that again.

8 About nine months later, I contacted them again. And
9 they said, well, what's the status of this. We're not going to
10 pay you anything unless you submit-- that's what they told me.
11 We're not going to pay you anything unless you first submit a
12 claim to your insurance company. And then I proceeded to
13 explain to them online to the email I'd already done that.
14 They were not going to compensate me for anything. And then I
15 was told, well, please provide us with a full copy of your
16 insurance policy.

17 So I spent about half an hour trying to find the
18 Farmers Insurance policy. I finally found it, it was in a
19 booklet form, to provide them a copy, but I had to make a hand
20 copy of the policy and photocopies and then submit it through
21 the scanner to them in a PDF format. The upshot of all this is
22 in November, a couple of months ago, I received an email
23 communication from the claims people. They said we have made
24 you a settlement offer. And I looked online. And the
25 settlement offer was we're denying all of your claims for

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1 tangible personal property lost because of insufficient proof
2 of documentation, I couldn't prove the cost of it, apparently
3 the food, but we are allowing you and your wife a tier 4
4 emotional distress claim in the amount of 10,000 dollars each,
5 which if you accept, we will pay you 4,500 dollars cash up
6 front. I immediately accepted that.

7 THE COURT: I'm not surprised.

8 MR. JAMOND: Here's the point of the story. Here's
9 the point of the story. After two and a half years of going
10 through this, I felt stupid for even bothering to file a claim.
11 They put me through all the stuff. It wasn't worth my time. I
12 was -- I read all this stuff online about how the
13 administrative professionals are taking advantage of this.
14 There's nobody. PG&E was slow-walking these claims. I read
15 all that stuff. If they had offered me 1,000 dollars cash, I
16 would have taken that.

17 So here is my suggestion. I know that you are
18 probably not inclined to revisit your earlier ruling in this
19 matter. But maybe you should consider modifying it somewhat,
20 especially for people who have no tangible personal property
21 claims, whose claims are basically for these kind of emotional
22 distress. Most people, I believe -- it never occurred to most
23 people who didn't have a physical loss that they potentially
24 could have a claim against PG&E for the hassle and the distress
25 that was caused by the fires. Most people didn't even think

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1 that way.

2 But perhaps in your order, if you want to think about
3 this some more, you could say, well, look, I'm going to
4 disallow claims except for with the proviso that those
5 individuals who have emotional distress claims, if they choose
6 to file a claim, get an amount not more than X dollars, X
7 dollars is a number you could come up with, those claims will
8 be allowed. That way, it's very easy, as I understand it, for
9 PG&E to determine who was evacuated. They have a --

10 THE COURT: Well, let's -- hold on. Hold on. Let's
11 take PG&E out of the discussion. It's the fire trust.

12 MR. JAMOND: The fire trust.

13 THE COURT: That's the only respondent here. Okay.

14 MR. JAMOND: All right. The fire trust, I think it's
15 very easy for them to determine who was evacuated, who was
16 under a mandatory evacuation. And if the cap allowed claims at
17 a certain dollar amount, most people would be happy with that.
18 In other words, it doesn't have to be an all-or-nothing
19 situation. You don't have to basically say I'm not going to
20 allow -- I'm not going to allow any claims whatsoever or allow
21 all the claims. You might be able to craft some kind of device
22 wherein some kind of claims could be allowed to a certain cap
23 for those people on an equitable basis who didn't subjectively
24 realize that they potentially had a claim. That's my take.

25 Obviously, we would prefer that you allow all these

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1 late filed claims, but as a fallback position, I think that
2 might be something you could consider as you review all these
3 other issues.

4 THE COURT: Well, Mr. Jamond, it may be a very
5 creative suggestion, but where do I have the authority to do
6 it? I mean, if the trust -- if the trust wishes to announce a
7 policy of emotional distress only at a cap it will allow,
8 that's fine. Where do I get the authority to retool the trust?

9 MR. JAMOND: Because it's the right thing to do. I
10 mean, when in doubt, do the right thing. I don't think anyone
11 is going to object to your decision. PG&E -- or the trust will
12 not be objecting to your decision.

13 THE COURT: I don't know whether they will or not. I
14 think --

15 MR. JAMOND: I don't think anybody in the BAP or the
16 circuit would object to your decision on such a matter. You
17 are very highly respected. I think you could craft this on
18 your own, and it would float. And I think it's the right thing
19 to do. It's just the right --

20 THE COURT: Let me just -- well, it may be the right
21 thing to do under the circumstances. But one more question for
22 you. You got the 4,500 dollars for each of you and your wife,
23 right?

24 MR. JAMOND: Right.

25 THE COURT: But you're still in line to get fifty-five

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1 percent more in the future, right?

2 MR. JAMOND: I would discount that heavily at this
3 time, Your Honor. Potentially, yes, but --

4 THE COURT: No. But seriously, I'm not -- this hasn't
5 turned into a make Jamond get money back. The point is that
6 whether it -- whether the trust should have done this earlier
7 or shouldn't is the point. You filed a claim for you and your
8 wife for 10,000 dollars, and you've been paid a good portion of
9 it already. And you will get paid more in the future. And
10 you're not complaining about that, right?

11 MR. JAMOND: No, I'm not complaining about it.

12 THE COURT: Okay.

13 MR. JAMOND: But on behalf of other people, there are
14 a lot -- I happen to know, for example, Your Honor, that one of
15 your retired colleagues whose fire -- the fire came within 200
16 yards of this house did not bother to file a claim.

17 THE COURT: Well, then we -- that's his choice. I
18 understand that. And I don't make light of the people that
19 suffered any losses in these fires. Anyway, Mr. Jamond, I
20 appreciate your presentation. And I will take your matter into
21 consideration. And I'll ask the counsel for the trust to
22 respond during her time in a few minutes.

23 But -- and let me say to you, Mr. Jamond, and also
24 you, Mr. Faircloth, you're welcome to stay on the screen after
25 you've made your argument, but you can also turn your cameras

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1 off if you want. It's up to you. I don't mind looking at you.
2 And you have to look at me. But you can you can turn your
3 cameras off if you want.

4 MR. JAMOND: I don't want to turn my camera off,
5 Judge.

6 THE COURT: Okay. Ms. Masud, it's your turn. And you
7 have ten minutes also.

8 MS. MASUD: Thank you, Your Honor. Can you hear me,
9 Your Honor?

10 THE COURT: Yes. Yes, I can.

11 MS. MASUD: All right. Great.

12 So before moving to my legal argument, I'd like to
13 start with some background. My firm, Marshack Hays, and the
14 Singleton Law Firm have been involved in this case since the
15 early days. And we had the privilege and honor of being a part
16 of the mediation that basically took over a San Francisco
17 building with about ninety or so people, as well as Judge
18 Trotter in order to try to get to a plan.

19 As for me personally, aside from being involved in the
20 early days of this case, over the last couple of years, if you
21 take a simple overview of the docket, I'm no stranger to having
22 filed late claim motions. I've filed dozens, and I've worked
23 with previously debtors' counsel, Mr. Kramer, Mr. Rupp, Mr.
24 Goren, and then I've also worked with Ms. Sieger-Grimm of Brown
25 Rudnick, who's here today representing the fire victim trust.

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1 So to that end, I have been monitoring all the
2 objections that have been brought by the fire victim trustee.
3 I went through and created a spreadsheet that's slowly growing
4 and growing of all of the motions that have been filed, the
5 objections, the grounds for the -- the basis of the objections.
6 And on top of that, I reviewed all the Court's orders that have
7 been entered for all of the late claimed motions.

8 What I've gathered from all of that background
9 research is, if I may, is that what's abundantly clear is
10 absent circumstances that are extraordinary, a late claim
11 motion is unlikely at this juncture to be granted.
12 Specifically, when I saw the court's order prior to what is
13 known as the September 13th informal deadline where the fire
14 victim trustee no longer was going to be taking a liberal
15 policy towards these motions, when I saw those orders come in
16 from the Court, I went through them in great detail, discussed
17 it with our fire victim team, and made sure that anyone who
18 would contact our firm would provide us details of what they
19 went through and demonstrate that there were some extraordinary
20 circumstances as well as we needed confirmation that there was
21 a lack of knowledge about the bankruptcy and the bar date.

22 That additional instruction and step that our firms
23 undertook was to ensure that we would not file any motion with
24 the Court that would fall within the objections or the orders
25 that have previously been filed on the Court's docket. This is

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1 why the motion that I'm here on today involves one claimant,
2 only one, because after asking those questions of anyone who
3 called us, the one claimant that met the standard for
4 extraordinary circumstances was Ms. Elizabeth Fern Fisher.

5 So that's kind of the background that I'm walking into
6 this with, Your Honor, is I understand all the orders that have
7 been filed. I understand all the objections that have been
8 filed. I have taken them seriously, Your Honor, as all other
9 counsel I'm sure have. And I've made sure that the only motion
10 that I am filing is one that meets that standard.

11 So moving to the legal argument, the interesting thing
12 that's kind of happened between the filing of my motion and
13 this hearing is that Rule 3002(c)(6) has actually been amended.
14 So on December 1, the language was changed to say on motion
15 filed by a creditor before or after the expiration of the time
16 to file a proof of claim, the court may extend the time by not
17 more than sixty days from the date of the order granting the
18 motion. It says the motion may be granted if the court finds
19 that the notice was insufficient under the circumstances to
20 give the creditor a reasonable time to file a proof of claim.

21 According to the advisory committee notes, this
22 amendment now provides a single standard for granting or
23 denying an extension of time to file a proof of claim. Because
24 it's only been about two weeks since these revisions, there's
25 no case law in the Ninth Circuit construing the changes. In

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1 fact, there's no real authority that has construed any of the
2 2008 post-revisions. But if you take a look at the revisions
3 of the rule, what started as a very strict standard where you
4 could only seek a claim -- you can only file one of these
5 motions to seek to have -- to seek -- excuse me, to seek your
6 claim being deemed timely for purposes of distributions. In
7 '96 it was only if there was a surplus. Forward to 2008, it was
8 only if for some reason the creditor listed and listed you out.

9 So as with the evolution of the rule in the amendments
10 to the rule, what's become abundantly clear is that the policy
11 is a very liberal policy. It takes into account fairness and
12 as a Bankruptcy Court, all equitable factors.

13 So as this Court previously stated in its December
14 20th order, each late claim motion stands or falls on its own.
15 So the question becomes, under what circumstances is it
16 appropriate to grant or deny this motion?

17 So the circumstances in Ms. -- and I'll call her Fern
18 because that's what she goes by -- in Fern's case is that she
19 was rendered homeless as a result of the fire. And since being
20 evicted, she took refuge in a residence where there was no
21 running water, there was no electricity. And then when she
22 found a location where there was some type of running water,
23 which happened to be a campsite, she shifted over to that
24 location and began to reside there for a period of six days.
25 The six days -- six days at a time I should say. The reason

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1 being is that the campsite has a rule that on the seventh day
2 you have to leave, and then you can come back. They don't
3 allow continuous residency.

4 So Ms. Fern, as a result of suffering the trauma of
5 the fires, was rendered homeless where she was either living,
6 if you can call it living, in a dilapidated property on -- for
7 one day out of the week. And then on the other six days she
8 was living at a campsite and making do.

9 So the extraordinary circumstances here in this case
10 is that the notice that was very fulsome by the debtors wasn't
11 and did not reach Fern. And the evidence that we have of that
12 is that in the motion, Fern stated through her counsel that
13 there -- she did not know there was a bankruptcy in place and
14 she did not know about a bar date. Because of those
15 circumstances, she did not file a proof of claim.

16 Moving forward, when she developed various health
17 issues where she was hospitalized, she was not aware of the
18 Court's orders that there is this balance of equities that I
19 need to consider for the fire victim trust and current victims
20 who have timely filed claims. And I'm not challenging the good
21 faith of the victims who are now filing these motions. What I
22 am in a difficult position of doing is taking a look at each
23 motion, because each motion stands and falls on its own.

24 And so we went through and provided the information to
25 address the Court order about why should these motions or this

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1 particular motion, Fern's motion be granted. Why doesn't the
2 reasoning of my earlier orders apply? And so the answer is
3 twofold.

4 In the December 21st order, the Court highlighted that
5 each claimant has described circumstances that basically amount
6 to a lack of realization that their particular circumstances
7 could be compensate but not the lack of notice regarding the
8 claims bar date. The fire victim trustee also responded and
9 said that it appears that Mr. Fisher did not submit a timely
10 claim due to the fact that she was not aware of her claims
11 being compensable. But that argument overlooks the fact that
12 Ms. Fisher statement was that before September 2022, she was
13 unaware of PG&E's bankruptcy and her ability to file a proof of
14 claim.

15 The second issue that I believe warrants a response is
16 the trust itself is a little bit unique in terms of its
17 funding. Everybody is aware that the trust is not fully funded
18 because stock remains outstanding to be reduced to cash. And
19 so the calculus and the numbers are going to change. Those
20 variables because -- are going to result in a pot of money
21 that, as we stand here today, we don't know what that exact
22 amount is. Adding Fern's claim, however minuscule it may be,
23 is not going to mean that the calculations have to be adjusted
24 just for her. The calculations will have to be adjusted
25 regardless because of the variable factor of the stock.

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1 And so we understand the concerns raised by the Court.
2 We understand the concerns raised by the fire victim trustee.
3 And as another counsel has stated, the policy now is a stricter
4 review of each motion and each claimant's circumstances. We
5 believe that Fern meets that criteria. And that is why we have
6 brought that motion. And unless the Court has any questions,
7 that's my argument. Oh --

8 THE COURT: Thank you very much, Ms. Masud. I
9 appreciate your argument. And --

10 MS. MASUD: My apologies, Your Honor. In the
11 alternative, if the Court is inclined not to grant the motion
12 what we are requesting that it at least be allowed as a
13 late-filed claim. If it's --

14 THE COURT: Well, but as you know, I mean, late-filed
15 claims work in certain circumstances. But I think --

16 MS. MASUD: Correct.

17 THE COURT: -- what you know from your monitoring of
18 the case, after we get the fire victims out of the way, we have
19 FEMA right behind. So it's very tempting to take the Chapter
20 7 rule and have a late claim procedure ahead of equity. But
21 that doesn't work here. I mean, if I thought that would work,
22 I might pursue it because it's one of these things where --
23 well, it's one of these things that doesn't appear to be an
24 option. If the trust believes that that is an option, I hope
25 that I'll hear from counsel on that subject.

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1 Anyway, thank you for your presentation. I make you
2 the same offer I made to the other counsel. You can stay with
3 us if you want, or you can turn your camera off or you can do
4 whatever. As I say, I'm going to -- I'm not going to make a
5 ruling today, and I'm not going to come back for a rebuttal
6 argument. So after the oral argument from the other parties
7 and the trustee, I'm going to be done. But it's up to you.
8 Thank you very much.

9 MS. MASUD: Thank you, Your Honor.

10 THE COURT: Okay. Now for the pro se parties, I just
11 follow the same procedure. I'll just be arbitrary but
12 alphabetical. So I'll call on Ms. Garcia first and then -- I'm
13 sorry, Mr. Erdman first, then Ms. Garcia, then Mr. Mejia, then
14 Mr. Smithson.

15 So Mr. Erdmann, I see you -- there are two of you
16 there. One of you -- one of you going to make the argument? I
17 need one person to make the argument. So state your name. And
18 you have five minutes, Mr. Erdman.

19 MR. ERDMAN: Good morning, Your Honor. This is Daniel
20 Erdman.

21 THE COURT: And by the way, your colleague or your
22 companion can be on the screen. I don't mean to be rude. I
23 just want -- I only want to hear argument from one person.

24 MR. ERDMAN: Sure, of course. Understood.

25 Thank you for the opportunity to speak with you as

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1 victims who are greatly affected by the 2017 Northern
2 California wildfires. We apologize to the fire victims trust
3 for the tardiness of our claim, and we sincerely hope that we
4 can convince you to accept our late claim.

5 During the 2017 Tubbs fire, we were evacuated from our
6 Rincon Valley home in the middle of the night without warning
7 or notification. As we watched the flames come down the hill
8 behind our house, we quickly packed a few essentials and rushed
9 to evacuate to family an hour and a half away. While evacuated
10 for nearly two weeks, we had no idea we returned to our home
11 intact. We're very blessed that our property ended up
12 surviving, unlike so many others.

13 Stress, displacement, and smoke had a significant
14 impact on my wife, who at the time was seven months pregnant.
15 Shortly after the fires, Julianne was diagnosed with prenatal
16 hypertension, pre-eclampsia, and our unborn daughter with
17 intrauterine growth restriction. These are serious,
18 life-threatening conditions requiring frequent and specialized
19 medical care for the remainder of the pregnancy, culminating an
20 emergency C-section and a baby who was born early with
21 extremely low birth weight. This was due to the effects of the
22 fire, as evidenced by our health care provider and corroborated
23 with several medical studies.

24 I understand that we're late to file a claim. We did
25 see billboard ads, TV ads, and hear radio ads from various

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1 legal firms offering to submit claims on our behalf. But given
2 today's identity theft and scam prevalence, we generally
3 thought these ads to be malicious. We're not active on social
4 media. We received dozens of spam and malicious emails posing
5 as legitimate fire victims emails which casts serious doubt on
6 the legitimacy of any official emails we may have received.
7 None of the publications that we saw explained our eligibility
8 requirements. And as a result, we were unaware that we're
9 eligible to submit a claim.

10 In addition to this, we moved to another home in May
11 2019 and thus did not receive any mail that may have been sent
12 to our home -- old home indicating our eligibility to submit a
13 claim.

14 In early December 2022, a neighbor from our previous
15 neighborhood stopped by and asked if we had submitted a claim
16 for the 2017 fires. We hadn't. He explained that he found out
17 about the process to file a claim through a friend who heard it
18 from his brother and so on down the line, thus confirming that
19 word of mouth is how many people heard of their eligibility.
20 He continues to educate us on the eligibility requirements and
21 roughly explained the process to file the claim as he had filed
22 a claim in late June of 2022. We had no idea that we were
23 eligible. We filed the claim days later after determining the
24 claims process.

25 From the fire victims trust website, the fire victims

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1 trust is, and I quote, ever focused on resolving the fire
2 victims' claims to help them recover and move on successfully
3 with their lives, unquote. If this mission statement is true
4 and they're ever focused on this, then we should be allowed to
5 file a claim. And time should not be a stipulation for having
6 our claim accepted.

7 Are we any less of a victim because we filed our claim
8 late? We lived through these fires and were greatly affected.
9 I understand the trust has the discretion to establish a
10 deadline, which, by the way, wasn't conspicuously posted on the
11 trust's website. Instead of disallowing our late claim
12 altogether, perhaps the trust can weigh this factor when
13 determining compensation: In other words, if you filed a late
14 claim, you should receive less restitution. This would be fair
15 to earlier claimants as well as to the trust.

16 Your Honor, thank you and the Court for this
17 opportunity to speak. And I urge the fire victim trust to
18 stand by their mission statement and allow my wife and I to
19 file a claim so that we can move on with our lives. Thank you.

20 THE COURT: Okay. Thank you for your presentation,
21 Mr. Erdman. I appreciate your comments.

22 Ms. Garcia, you are up next, please. And you have
23 five minutes.

24 MS. GARCIA: Okay.

25 THE COURT: Again, I don't mind if multiple people on

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1 the camera. I just only want one to make the speech. Just
2 make -- state your name.

3 MS. GARCIA: Okay, Your Honor. This is Frewoini
4 Garcia. Thank you for taking my claim.

5 I just wanted to start saying that all these claim
6 that it was out there that we -- I didn't know anything until
7 recently. And me and my kids and with asthma, in the house,
8 the house was a smoke full. And work, I did not work for a
9 long time. And the food that we had in the freezer was out.
10 We had two, one refrigerator, one freezer. The food was just
11 spoiled very badly.

12 And school for the kids, no school. And emotional
13 distress with the kids. And -- and we had worried about the
14 kids splitting everywhere. And I have asthma, and I needed
15 insulin. My insulin was out, very expensive. And I didn't
16 have anything because I had to keep it in the refrigerator.

17 And our house -- and we couldn't come back. We were
18 kicked out our -- from our house. And we were in a hotel. And
19 kids were really stressed out.

20 I was -- I am actually a single mother with them. It
21 was very stressful for me and to deal with. But thank you for
22 today taking my case. And I hope you consider looking at this.
23 And lastly, thank you. I appreciate it. And I -- this is my
24 second language, English. And excuse me with not pronouncing
25 things right.

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1 THE COURT: Thank you, Ms. Garcia. Your English is
2 fine, and I appreciate your comments. And I appreciate your
3 explaining the circumstances you've been subjected to. And as
4 I said with the others, I will listen to your arguments. I'll
5 listen to the trust's arguments. And then I'll be issuing a
6 decision not today but sometime in the near future. So I
7 appreciate your comments. Again, you're welcome to stay on the
8 camera and watch or turn it off. It's up to you. Thank you
9 for your time.

10 MS. GARCIA: Thank you.

11 THE COURT: All right. Mr. Mejia, I believe it's your
12 turn under the arrangement. And you have five minutes, sir.

13 MR. MEJIA: Thank you, Your Honor.

14 So yeah, I was just here to basically -- not an
15 argument, but more so to explain my reasoning for filing late.
16 And it was just basically just simply being unaware of the --
17 unaware that I was actually able to file a claim if I didn't
18 have any physical damage that was done. I didn't realize that
19 there was a lawsuit in play. So me filing wasn't because of,
20 lik4, negligence or I forgot to place a claim or anything. Had
21 I known earlier, I would have acted right away and filed that,
22 being that I myself and -- as well as my family were all, you
23 know, fire victims as well as everyone else here on that
24 morning of October 2017, which was just full of confusion,
25 fear, and you know, emotional and mental distress, being

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1 displaced on top of, you know, losing food or, you know,
2 missing work and whatnot, which is why even though I am filing
3 late, I was hoping to still be held in consideration for any
4 compensation that was in play.

5 THE COURT: Okay. Thank you very much, Mr. Mejia.

6 MR. MEJIA: That's all I have.

7 THE COURT: Again, same to you. I appreciate your
8 presentation. And I'm sorry about the circumstances you
9 described. And I'll take the matter under advisement, as I
10 said, with the others.

11 MR. MEJIA: Okay. Thank you for your -- thank you --

12 THE COURT: Thank you.

13 MR. MEJIA: -- for the opportunity to speak. Thank
14 you, Your Honor.

15 THE COURT: Thank you. Mr. Smithson?

16 MR. SMITHSON: Hello. Can you hear me?

17 THE COURT: Yes, I can.

18 MR. SMITHSON: Excellent.

19 THE COURT: Good morning.

20 MR. SMITHSON: Good morning.

21 First, I'd like to say thank you for taking the time
22 to hear my appeal today to file a late claim. On the night of
23 October 8th, 2007 (sic), I was driving home from work, Vertex
24 Climbing Center, where I had just gotten off work. My drive
25 took me along the Found Grove Parkway to Rincon Valley, where I

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1 lived at the time with my family at 6293 Melita Road. And like
2 many Santa Rosa residents, I will never forget that night or
3 the many days following. My home, my work, and even the
4 commute between them were all in evacuation zones. Are my
5 friends and family safe? Do I still have a place to live? And
6 what about where I work? Do I still have a job to return to?
7 These were all questions burning to be answered.

8 I also remember reading and listening to the news the
9 following year and a half as PG&E's court case was being
10 decided. And the last thing I remember seeing regarding this
11 case were scammy-looking billboards along Highway 101 and radio
12 commercials that felt the same, third parties, or that just --
13 it sounded like people trying to take advantage of fire
14 victims. And I nor anyone in my family living at 6293 Melita
15 Road received any kind of notification regarding this that we
16 were able to file claims against PG&E, let alone how or when to
17 do so. Similarly, my place of work did not receive any
18 information regarding this claim either.

19 In the past five years since then, I have moved. And
20 there's been a global pandemic. And I've only just learned of
21 the fire relief claim through word of mouth, like many others
22 here today. And if it was not for a friend of the family
23 informing them and then them telling me, I never would have
24 known that I qualified to be a part of this. As it is, I found
25 out too late to file a claim in time by the deadline with the

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1 rest of my family still living at Melita Road. And everyone
2 who lives there currently and filed late claims in time were
3 approved through the Court to receive compensation. And I
4 believe if I had been informed in time and filed by the
5 deadline, I would have also been approved.

6 And in closing, I would just like to thank you for
7 your time today and for providing one last opportunity for fire
8 victims to file late claims.

9 THE COURT: Well, thank you for your time also, Mr.
10 Smithson. You've committed your time as well. And I
11 appreciate your comments. And as with the others, I will take
12 them under consideration.

13 MR. SMITHSON: Thank you, Your Honor.

14 THE COURT: And you'll hear -- you'll get a written
15 decision from the Court sometime, although not immediately.
16 Thank you for your time. And you're welcome to stay on the
17 camera or decline if you wish -- or depart rather if you wish.

18 Okay. Ms. Sieger-Grimm, you've been here before. You
19 know the drill. You've heard from -- new suggestions today, so
20 you have twenty minutes to do your thing, if you'd please.

21 MS. SIEGER-GRIMM: Thank you, Your Honor. Again, this
22 is Susan Sieger-Grimm from Brown Rudnick. And we represent the
23 fire victim trustee.

24 I believe the trustee has addressed the majority of
25 the statements in prior filings or they were addressed in your

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1 December 20th order.

2 Just a couple of things. The trust has never disputed
3 the late claims. We're not judging them. We're not saying
4 they're not valid. It's is all a matter of late claims
5 process. And that's a matter that has to be considered
6 obviously in equity. And we're looking at a three-year
7 deadline. So that's what we're -- we're looking at that. And
8 we're also looking at the people who have already filed claims.

9 The trust is run pursuant to the trust documents that
10 were approved by the Court. A lot of this was done before the
11 trust was even in existence. So to the extent that there's
12 issues about sufficiency of notice, that's before the trust.
13 And that matter was decided by the Court, so we're not going to
14 address that.

15 I do just want to point out that while there are only
16 seven motions before the Court today, the motions represent 154
17 separate claims and 421 separate claimants, which is not an
18 insignificant number.

19 But I do want to point out to the Court some things
20 that you might not have seen if you hadn't looked at the trust
21 website. First of all, as of December 30th, the trust had
22 issued determination notices on account of more than ninety
23 percent of claims questionnaires that have been submitted.
24 It's awarded 14.71 billion dollars in determination notices so
25 far.

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1 THE COURT: Fourteen -- I'm sorry. How much?
2 Fourteen?

3 MS. SIEGER-GRIMM: 14.71.

4 THE COURT: 14.71.

5 MS. SIEGER-GRIMM: Yes. And has paid at this point
6 nearly six billion dollars to claimants. These numbers are
7 going to be updated again a little earlier. Usually it's the
8 15th and 30th. But because of the holiday and the 15th being a
9 Sunday, we're going to post this on January 13th, which is
10 Friday. So there will be an update then.

11 The bottom line for the trust right now is that the
12 claims determinations are more than ninety percent complete at
13 this point. And it's time for the trust to move forward and
14 try to bring closure to people who have been waiting not only
15 since 2017 or earlier based on their fires, but since the trust
16 has been in existence. And balancing the equity of the people,
17 80,000-plus people who filed timely, including people who had
18 similar claims that people presented today, balancing that
19 against people who are learning about this three years later,
20 trying to get everything -- everyone paid as much as we can,
21 doing it as quickly as possible, and do it in an efficient way.

22 Not judging people's claims, not trying to be unfair,
23 the September 30th deadline, that wasn't a guarantee that
24 anything prior to that deadline would be allowed or anything
25 after the deadline would be disallowed. It's a matter of we've

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1 looked at things prior to September 30th a little more lax and
2 just trying to let in a lot of people. Unfortunately, the
3 numbers got huge. And the press was getting overwhelmed with
4 claims compared to the limited amount we have. That doesn't
5 mean that the claims all before are all better claims or better
6 circumstances that there are now. We had -- a line had to be
7 drawn so that we could start trying to move forward.

8 Again, nobody disputes the claims. And we really
9 appreciate everyone who has shared their stories and understand
10 that people were put through a lot of terrible circumstances.

11 And again, this isn't PG&E deciding your claims. The
12 trust has these. We were handed them by PG&E. And we're
13 trying to do the best thing for everybody involved. And that's
14 all.

15 THE COURT: And what do you have -- do we have any
16 suggestion on what I do about either Mr. Jamond's suggestion
17 for a discount for late claims or Ms. Masud's suggestion of
18 simply allowing late claims?

19 MS. SIEGER-GRIMM: Well, as you recognize, Your Honor,
20 if, in fact, all current claims are paid in full, there's a
21 rather large plan that goes to FEMA.

22 In addition, some of the requests were to rewrite the
23 claims process.

24 THE COURT: But FEMA hasn't taken a position on this.
25 I mean, FEMA hasn't come in and joined or opposed any of the

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1 late claims. So FEMA seems to be acting the way FEMA's
2 supposed to be, letting the victims get paid before it gets
3 paid.

4 MS. SIEGER-GRIMM: I don't know if they have --

5 THE COURT: What I'm saying -- let me state it
6 differently. Let me state it differently. If I allow today's
7 claims or next week's claim, whatever, even one late claim
8 theoretically might impact whoever is next in the waterfall.
9 But FEMA is next. And they haven't -- that's the federal
10 government. The federal government has come in and said stop
11 allowing late claims. They seem to be acquiescing. It seems
12 to be acquiescing in the decisions, at least consistent with
13 what the trust has made prior to September 30th to allow
14 hundreds of late claims.

15 And now today if I were to accept these or to go back
16 and revisit the ones that I disallowed last month, it's hard
17 for me to imagine that FEMA is taking a legal position that
18 that's the wrong outcome. That's all I'm saying. You don't
19 have to agree with me. It's just an observation.

20 MS. SIEGER-GRIMM: I'm not going to guess what they're
21 thinking or if they've even considered it. But I will
22 reiterate that the trust is already awarded to the current
23 claimants in the trust 14.71 million dollars.

24 THE COURT: Well, and at least are you still confident
25 that as of now, there is no reason to believe that there's a

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1 hundred percent payout to the allowed claims?

2 MS. SIEGER-GRIMM: I can't -- I mean, I don't know
3 what's going to happen. We don't know what's going to happen
4 with the stock. At this point --

5 THE COURT: No, I admit --

6 MS. SIEGER-GRIMM: -- we're beyond what we -- the
7 corpus of the trust originally.

8 THE COURT: Ms. Sieger-Grimm, if the stock suddenly
9 went up to twenty dollars, we would have a different
10 discussion. If the stock dropped down to eight dollars, we'd
11 have a much different discussion. I and I'm not asking you to
12 predict the stock. I'm just saying, based upon the amount
13 that's been distributed in value and the allowed
14 determinations, it seems to me it's a stretch to think that the
15 timely allowed claims are going to get paid in full.

16 So whether it's a de minimis impact or something other
17 than de minimis, allowing a late claim now does affect the
18 outcome for the timely claims. That's still a true statement,
19 isn't it?

20 MS. SIEGER-GRIMM: Absolutely correct.

21 THE COURT: Okay.

22 MS. SIEGER-GRIMM: Both in value of claim and in the
23 time that they have to wait until they can even find out what
24 they're going to get in the end.

25 THE COURT: Are you familiar with Ms. Masud's pointing

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1 out that the rules got changed? And does that rule change
2 suggest any different result for this case? I don't know. I
3 don't -- I hadn't thought about it until she mentioned it.

4 MS. SIEGER-GRIMM: Well, extension of time to file a
5 claim versus file it -- allowing the filing a claim. But in
6 most cases, the overwhelming majority of cases are dealing with
7 small -- the Supreme Court case that most people take, there's
8 a twenty-day delay. It's a very different thing than what
9 we're talking about now, for the most part, three years. We're
10 now past three years, past the deadline. And it's not just a
11 matter of the deadline having been passed three years, but we
12 have people waiting in the trust that we are waiting to see --
13 we can't pay them in full. We can't even tell them what
14 they're going to get in the end until all the claims are
15 determined and adjudicated.

16 THE COURT: Okay. I accept your answer. All right.
17 Thank you for your time and presentation.

18 Again, I'll repeat what I said at the outset for those
19 who are staying listening in. I've taken the matter under
20 advisement. I am not going to make a ruling until at least a
21 couple of weeks because there are some -- a few other --
22 another group of claims that are going to be coming up on the
23 calendar very shortly. And I don't want to do this in a
24 piecemeal fashion.

25 So for all of you, both lawyers and nonlawyers who

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1 participated today, I appreciate your time and effort. Thank
2 you for participating. And the matter stands submitted. And
3 we'll conclude the hearing now. Thank you for your time.

4 (Whereupon these proceedings were concluded at 11:07 AM)
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C E R T I F I C A T I O N

I, Michael Drake, certify that the foregoing transcript is a true and accurate record of the proceedings.



/s/ MICHAEL DRAKE, CER-513, CET-513

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Date: January 11, 2023

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